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March 12, 2012

### **BY ECF**

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Assistant United States Attorneys  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

***Re: United States v. Persico, et al., S-4 10 Cr. 147 (SLT)***

Dear Government Counsel:

Pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure and Criminal Rule 16.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, we write to request that the government provide certain information in order to eliminate the need for unnecessary motion practice.

First, we ask that the government supply the following particulars with respect to the fourth superseding indictment in this matter, filed on February 9, 2012.

### **Count 1, Racketeering Acts (RA) One and Two:**

1. From the discovery produced as well as press reports, we believe that John Doe #1 is Kenneth Geller, a cooperating witness who consensually recorded conversations at the government's direction in 1990 and 1991. Please confirm.
2. Specify the number and amount of extortionate extensions of credit allegedly advanced. Both Acts One and Two charge Mr. Persico with making "one or more extortionate extensions of credit to John Doe #1," but Act One (A) charges that loans were extended between 1989 and 1991, while Act Two (B) charges that loans were extended between 1990 and 1991. Please state specifically what it is that these two subsections charge and the distinction between the two.
3. Specify the extortionate means allegedly used to collect the extensions of credit.
4. Identify the others with whom Mr. Persico allegedly participated or conspired.

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March 12, 2012  
Page 2

**Count 1, RA Three:**

1. Notify us as to the government's theory regarding Michael Persico's alleged involvement in the Joseph Scopo murder and/or murder conspiracy.

**Count 1, RA Five:**

1. Please identify John Doe # 2. Although no discovery has been provided regarding this charge, government sources have evidently informed members of the press that John Doe # 2 is cooperating witness Anthony Russo. Please confirm.
2. Specify the nature and amount of the "money and property" allegedly advanced.
3. Specify the number and amounts of extortionate extensions of credit allegedly provided.
4. Specify the extortionate means allegedly used to collect or attempt to collect the extensions of credit.

**Count 1, RA Twelve; Counts 4, 5:**

1. Identify John Doe # 2. As with RA Five, we have received no discovery regarding this charge. As stated above, however, we understand that John Doe # 2 is Anthony Russo. Please confirm.
2. Identify the "commercial business" referred to in these charges.
3. Specify the manner in which Mr. Persico and Mr. Preza allegedly induced Anthony Russo or John Doe # 2 to deliver the property at issue.
4. Identify the "others" allegedly involved.

Second, we write to confirm that the government may seek to introduce in evidence portions of recordings identified as DX 195 in its discovery letter dated August 25, 2011, and that, as such, you have produced (as DX 259) any and all sealing and unsealing orders, disclosure orders, draft transcripts and/or other documents prepared in connection with those interceptions that are in the government's custody, possession or control. If you do not intend to introduce those recordings, please notify us so that we do not unnecessarily burden the Court with motions.

Very truly yours,  
/s/  
Sarita Kedia

Paul Shechtman